



भारत का राजपत्र

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EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 24th May, 1968/Jyaistha 3, 1890 (Saka)

The following Acts of Parliament received the assent of the President on the 24th May, 1968, and are hereby published for general information:—

THE CENTRAL LAWS (EXTENSION TO JAMMU AND KASHMIR) ACT, 1968

No. 25 OF 1968

[24th May, 1968]

An Act to provide for the extension of certain Central Laws to the State of Jammu and Kashmir.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Laws (Extension to Jammu and Kashmir) Act, 1968.
Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Exten-
sion and
amend-
ment of
certain
laws.

2. (1) The Acts mentioned in the Schedule and all rules, orders and regulations made thereunder are hereby extended to, and shall be in force in, the State of Jammu and Kashmir.

(2) With effect from the commencement of this Act, the Acts mentioned in the Schedule shall be amended as specified therein.

Construc-
tion of
referen-
ces to
laws not
in force
in Jammu
and
Kashmir.

3. Any reference in any Act mentioned in the Schedule to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

Construc-
tion of
referen-
ces to
authori-
ties
where
new
authori-
ties have
been
constitut-
ed.

4. Any reference by whatever form of words in any law for the time being in force in the State of Jammu and Kashmir to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in that State shall, where a corresponding new authority has been constituted by or under any law now extended to that State, have effect as if it were a reference to the new authority.

Repeals
and
savings.

5. If immediately before the commencement of this Act there is in force in the State of Jammu and Kashmir any law corresponding to any Act now extended to that State, that law shall, save as otherwise expressly provided in this Act, stand repealed on such commencement:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder,

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed,

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provisions of the Act now extended to that State, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

6. (1) If any difficulty arises in giving effect to the provisions of any Act now extended to the State of Jammu and Kashmir, the Central Government may, by order notified in the Official Gazette, make such provisions or give such directions as appear to it necessary for the removal of the difficulty.

Power to remove difficulties.

(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may,—

(a) specify the corresponding authorities within the meaning of section 4,

(b) provide for the transfer of any matter pending immediately before the commencement of this Act before any court, tribunal or other authority, to any corresponding court, tribunal or other authority for disposal,

(c) specify the areas or circumstances in which, or the extent to which, or the conditions subject to which, anything done or any action taken (including any of the matters specified in the second proviso to section 5) under any law repealed by that section shall be recognised or given effect to under the corresponding provision of the Act now extended.

THE SCHEDULE

(See section 2)

ACTS

THE OFFICIAL TRUSTEES ACT, 1913

(2 OF 1913)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE MOTOR VEHICLES ACT, 1939

(4 OF 1939)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

Section 2.—Omit clause (9A).

Section 9.—Omit sub-sections (2) and (4).

Section 28.—Omit sub-sections (2), (3), (4) and (5).

Section 29.—In sub-section (1),—

(a) in clause (a) omit “or”;

(b) omit clause (b).

Section 38.—For sub-section (4), substitute—

“(4) A certificate of fitness issued under this Act shall, while it remains effective, be valid throughout India.”.

Section 42.—In sub-section (3), omit clause (h).

Section 63.—Omit sub-section (5).

Section 96.—(a) In sub-section (2A), omit “in the State of Jammu and Kashmir or” and in the proviso, omit “of the State of Jammu and Kashmir or”;

(b) In sub-section (6), omit “of the State of Jammu and Kashmir or”;

The Sixth Schedule.—In the first and second columns, after “West Bengal” and the entry relating thereto in the second column, insert “Jammu and Kashmir” and “J & K” respectively.

THE CHARTERED ACCOUNTANTS ACT, 1949

(38 OF 1949)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE TRANSFER OF PRISONERS ACT, 1950

(29 OF 1950)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE ROAD TRANSPORT CORPORATIONS ACT, 1950

(64 OF 1950)

Section 1.—In sub-section (2), omit “the State of Jammu and Kashmir and”.

THE MINES ACT, 1952

(35 OF 1952)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE NOTARIES ACT, 1952

(53 OF 1952)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

Section 2.—(a) Omit clause (a);

(b) In the proviso to clause (d)—

(i) for “either under”, substitute “under”;

(ii) omit “or by the Master of Faculties in England”;

(iii) for “any part of India”, substitute—

“any part of India:

Provided further that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State.”.

Section 9.—In sub-section (2), insert—

“Provided that in relation to the State of Jammu and Kashmir the said period of two years shall be computed from the date on which this Act comes into force in that State.”.

THE ESSENTIAL COMMODITIES ACT, 1955

(10 OF 1955)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE COMPANIES ACT, 1956

(1 OF 1956)

Section 1.—In sub-section (3),—

(a) omit first proviso;

(b) in the second proviso, omit “further”.

Section 3.—In sub-clause (f) (2) of clause (ii) of sub-section (1), insert at the end “in so far as banking, insurance and financial corporations are concerned, and before the commencement of the Cen-

tral Laws (Extension to Jammu and Kashmir) Act, 1968 in so far as other corporations are concerned".

After section 620B, insert—

"Special provision as to companies in Jammu and Kashmir

Special provision as to companies in Jammu and Kashmir.

620C. The Central Government may by notification in the Official Gazette, direct that with effect from the commencement of the Central Laws (Extension to Jammu and Kashmir) Act, 1968 or any subsequent date, any of the provisions of this Act specified in the notification shall not apply, or shall apply only with such exceptions and modifications or adaptations as may be specified in the notification, to—

(a) any existing company in the State of Jammu and Kashmir;

(b) any company registered in that State under this Act after the commencement of the Central Laws (Extension to Jammu and Kashmir) Act, 1968".

THE COST AND WORKS ACCOUNTANTS ACT, 1959

(23 OF 1959)

Section 1.—In sub-section (2), omit "except the State of Jammu and Kashmir".

THE APPRENTICES ACT, 1961

(52 OF 1961)

Section 1.—In sub-section (2), omit "except the State of Jammu and Kashmir".

THE ADMINISTRATORS-GENERAL ACT, 1963

(45 OF 1963)

Section 1.—In sub-section (2), omit "except the State of Jammu and Kashmir".

Section 20.—(a) In sub-section (1), for "the territories to which this Act extends", substitute "India";

(b) after sub-section (2), insert—

"(3) Any probate or letters of administration granted by the High Court for the State of Jammu and Kashmir before the commencement of the Central Laws (Extension to Jammu and Kashmir) Act, 1968 shall, after such commencement, be as effective as if such probate or letters of administration had been granted under this section".

Omit section 21.

Section 37.—(a) In clause (a), for “to which this Act extends”, substitute “in India”;

(b) Omit “or in the State of Jammu and Kashmir”.

Section 56.—For “the territories to which this Act extends” and for “the said territories”, substitute “India”.

THE PONDICHERRY (EXTENSION OF LAWS) ACT, 1968

No. 26 OF 1968

[24th May, 1968]

An Act to extend certain Central Acts to the Union territory of Pondicherry.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Pondicherry (Extension of Laws) Act, 1968. Short title.

2. In this Act, unless the context otherwise requires, Definitions.

(a) “Act” means an Act or the Ordinance specified in the Schedule;

(b) “Administrator” means the administrator of Pondicherry appointed by the President under article 239 of the Constitution;

(c) “Pondicherry” means the Union territory of Pondicherry.

3. (1) The Acts specified in Part I of the Schedule as they are generally in force in the territories to which they extend and the Acts specified in Part II of the Schedule as they were in force on the 1st day of August, 1966, in the State or Union territory mentioned thereagainst shall extend to Pondicherry, subject to the modifications, if any, specified in the Schedule. Extension with amendments of certain laws to Pondicherry and

(2) Notwithstanding anything contained in sub-section (1), or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Pondicherry on such date as the Administrator may, by notification in the Official Gazette, appoint: their commencement therein.

Provided that different dates may be appointed for different provisions of any Act and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision.

Repeal and saving.

4. (1) Any law in force in Pondicherry or any area thereof corresponding to any Act referred to in sub-section (1) of section 3 or any part thereof (except in so far as such law continues to be applicable to Renoncants) shall stand repealed as from the coming into force of such Act in Pondicherry.

(2) Nothing in sub-section (1) shall affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted, or registration effected) under any such law, shall be deemed to have been done or taken under the corresponding provision of the Act extended to Pondicherry by this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Extension of rules, orders, etc., under certain laws.

5. All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Pondicherry, extend to, and come into force in, Pondicherry.

6. (1) In any Act or in any of the rules, notifications, orders, ~~Rules of~~ regulations and bye-laws made or issued thereunder and ~~extended~~ ~~construction.~~ to Pondicherry by this Act,—

(a) any reference to any provision of law not in force, or to any functionary not in existence, in Pondicherry shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory:

Provided that—

(i) if any question arises as to who such corresponding functionary is, or

(ii) if there is no such corresponding functionary, the Administrator shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Administrator.

(2) For the purpose of facilitating the application in relation to Pondicherry of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

7. If any difficulty arises in giving effect in Pondicherry to the provisions of any Act extended by this Act to Pondicherry, the Central Government may, as occasion may require, by order, make such provisions or give such directions not inconsistent with the provisions of such Act as appear to it to be necessary for the purpose of removing the difficulty and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of such Act in Pondicherry to any corresponding court, tribunal or authority for disposal:

Provided that no such order shall be made under this section in respect of any Act after the expiration of two years from the date on which such Act comes into force in Pondicherry and in respect of an Act, the provisions of which are brought into force in Pondicherry on different dates, the period of two years shall be reckoned with reference to the commencement of the relevant provision as specified in the proviso to sub-section (2) of section 3.

THE SCHEDULE

[See section 3(1)]

PART I

Year	No.	Short title	Modifications
1	2	3	4
1839	32	The Interest Act, 1839.	
1850	12	The Public Accountants' Default Act, 1850.	
1850	18	The Judicial Officers Protection Act, 1850.	
1850	21	The Caste Disabilities Removal Act, 1850.	
1851	8	The Indian Tolls Act, 1851.	
1855	12	The Legal Representatives' Suits Act, 1855.	
1855	13	The Indian Fatal Accidents Act, 1855.	
1856	9	The Indian Bills of Lading Act, 1856.	
1856	12	The Civil Courts Am ns Act, 1856.	
1859	9	The Forfeiture Act, 1859.	
1863	23	The Waste Lands (Claims) Act, 1863.	

1864 15 The Indian Tolls Act, 1864.

1865 3 The Carriers Act, 1865.

1866 21 The Converts, Marriage Dissolution Act, 1866.

1872 9 The Indian Contract Act, 1872.

1872 15 The Indian Christian Marriage Act, 1872.

1873 10 The Indian Oaths Act, 1873.

1875 9 The Indian Majority Act, 1875.

1880 1 The Religious Societies Act, 1880.

1880 12 The Kazis Act, 1880.

1880 13 The Vaccination Act, 1880.

1882 4 The Transfer of Property Act, 1882.

1882 5 The Indian Easements Act, 1882.

1882 7 The Powers-of-Attorney Act, 1882.

1887 7 The Suits Valuation Act, 1887.

1887 9 The Provincial Small Cause Courts Act, 1887.

1890 1 The Revenue Recovery Act, 1890.

After section 1, insert :—

“2. Nothing contained in this Act shall apply to Saving the Renoncants of the Union territory of Pondicherry.”

In section 1, at the end, insert :—

“Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”

In section 1, at the end, insert :—

“Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”

Year	No.	Short title	Modifications
1	2	3	4
1890	8	The Guardians and Wards Act, 1890.	In section 1, after sub-section (2), insert :— “Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”.
1891	18	The Bankers' Books Evidence Act, 1891.	
1893	4	The Partition Act, 1893.	
1894	9	The Prisons Act, 1894.	
1897	3	The Epidemic Diseases Act, 1897.	
1899	4	The Government Buildings Act, 1899.	
1900	3	The Prisoners Act, 1900.	
1908	16	The Indian Registration Act, 1908.	
1914	9	The Local Authorities Loans Act, 1914.	
1916	15	The Hindu Disposition of Property Act, 1916.	In section 1, after sub-section (2), insert :— “Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”.
1917	5	The Destruction of Records Act, 1917.	
1918	10	The Usurious Loans Act, 1918.	
1919	12	The Poisons Act, 1919.	
1920	5	The Provincial Insolvency Act, 1920.	
1920	10	The Indian Securities Act, 1920.	
1920	15	The Indian Red Cross Society Act, 1920.	
1920	33	The Identification of Prisoners Act, 1920.	
1921	18	The Maintenance Orders Enforcement Act, 1921.	

1922 7 The Emigration Act, 1922.

1922 22 The Police (Incitement to Disaffection) Act, 1922.

1923 5 The Indian Boilers Act, 1923.

1928 12 The Hindu Inheritance (Removal of Disabilities) Act, 1928.

1929 19 The Child Marriage Restraint Act, 1929.

1930 3 The Sale of Goods Act, 1930.

1930 30 The Hindu Gains of Learning Act, 1930.

1936 3 The Parsi Marriage and Divorce Act, 1936.

1937 26 The Muslim Personal Law (*Shariat*) Application Act, 1937.

1939 8 The Dissolution of Muslim Marriages Act, 1939.

1939 30 The Commercial Documents Evidence Act, 1939.

1940 10 The Arbitration Act, 1940.

1943 9 The Reciprocity Act, 1943.

1944 38 The Criminal Law Amendment Ordinance, 1944.

1945 .. The International Monetary Fund and Bank Act, 1945.

In section 1, in sub-section (3), add at the end :—
“or to the Renoncants of the Union territory of Pondicherry”.

In section 1, after sub-section (2), insert :—
“Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”.

In section 1, in sub-section (2), after the proviso, insert :—
“Provided further that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”.

In section 1, after sub-section (2), insert :—
“Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”.

In section 1, after sub-section (2), insert :—
“Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.”.

Year	No.	Short title	Modifications
		3	4
1947	43	The United Nations (Security Council) Act, 1947.	
1947	46	The United Nations (Privileges and Immunities) Act, 1947.	
1948	42	The Diplomatic and Consular Officers (Oaths and Fees) Act, 1948.	
1950	29	The Transfer of Prisoners Act, 1950.	
1950	64	The Road Transport Corporations Act, 1950.	
1950	74	The Telegraph Wires (Unlawful Possession) Act, 1950.	
1951	50	The Tariff Commission Act, 1951.	
1951	54	The Companies (Donations to National Funds) Act, 1951	
1951	61	The All-India Services Act, 1951.	
1952	35	The Mines Act, 1952.	
1952	53	The Notaries Act, 1952.	
1954	29	The Wakf Act, 1954.	
1955	32	The Prisoners (Attendance in Courts) Act, 1955.	
1955	42	The Prize Competitions Act, 1955.	
1955	45	The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.	
1956	3	The University Grants Commission Act, 1956.	
1956	31	The Life Insurance Corporation Act, 1956.	

1956	32	The Hindu Minority and Guardianship Act, 1956.
1956	42	The Securities Contracts (Regulation) Act, 1956.
1956	78	The Hindu Adoptions and Maintenance Act, 1956.
1956	93	The Young Persons (Harmful Publications) Act, 1956.
1956	96	The Slum Areas (Improvement and Clearance) Act, 1956.
1956	104	The Suppression of Immoral Traffic in Women and Girls Act, 1956.
1958	20	The Probation of Offenders Act, 1958.
1958	21	The Rice-Milling Industry (Regulation) Act, 1958.
1958	29	The Working Journalists (Fixation of Rates of Wages) Act, 1958.
1958	42	The International Finance Corporation (Status, Immunities and Privileges) Act, 1958.
1960	6	The Geneva Conventions Act, 1960.
1960	32	The International Development Association (Status, Immunities and Privileges) Act, 1960.
1960	63	The Preference Shares (Regulation of Dividends) Act, 1960.

In section 3, after sub-section (2), insert :—

“(2A) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the Re-
nioncants of the Union territory of Pondicherry.”.

In section 2, after sub-section (2), insert :—]

“(2A) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the Re-
nioncants of the Union territory of Pondicherry.”.

In section 1, after sub-section (2), insert :—

“(3) Notwithstanding anything contained in sub-section (2), the provisions of this Act shall, in their application to the Union territory of Pondicherry, have effect subject to the modifications specified in the Schedule.”.

Year	No.	Short title	Modifications
1	2	3	4

After section 7, add :—

THE SCHEDULE

[See section 1(3)]

Modifications of the Act in its application to the Union territory of Pondicherry

1. Sections 3 and 4 shall be omitted.
2. In section 4A, for the words, brackets, letters and figures “twenty-seven and a half per cent. of the aggregate of (i) the stipulated dividend, and (ii) an amount equal to eleven per cent. of the stipulated dividend as specified in sub-section (3) of section 3”, the following shall be substituted, namely :—

“twenty-seven and a half per cent. of the stipulated dividend:

Provided that in a case where the preference shares in respect of which the dividend is declared or paid form part of the preference share capital of a company which, in respect of the greater part of its total income, is entitled to a deduction from the tax chargeable from it under the Income-tax Act, 1961 (43 of 1961), under a notification issued by the Central Government under section 294A of that Act, the reference to twenty-seven and a half per cent. of the stipulated dividend shall be construed as a reference to—

- (i) where the stipulated dividend in respect of such preference share is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1965, the said twenty-seven and a half per cent. as reduced by forty-five per cent. thereof;

(ii) where such dividend is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1966, the said twenty-seven and a half per cent. as reduced by twenty-five per cent. thereof;

(iii) where such dividend is declared or paid in respect of the previous year relevant to the assessment year commencing on the 1st day of April, 1967, or the 1st day of April, 1968, or the 1st day of April, 1969, the said twenty-seven and a half per cent. as reduced by ten per cent. thereof.

Explanation.—For the removal of doubts it is hereby declared that any reference in this section to deduction made from a dividend on account of the income-tax payable by the company does not include any amount deducted by the company from that dividend under section 194 of the Income-tax Act, 1961 (43 of 1961).

3. In section 5, sub-section (2) shall be omitted.
4. Section 6 shall be omitted.

In section 3, in sub-section (i),—

(1) in clause (a), omit “Madras”;

(2) re-letter clause (cc) (inserted by Regulation 8 of 1963) as clause (ccc) and before the clause as so re-lettered, insert:—

“(cc) for the State of Madras and the Union territory of Pondicherry to be known as the Bar Council of Madras;”.

After section 58A, insert :—

“58AA. *Special Provisions in relation to the Union territory of Pondicherry.*—(1) Notwithstanding anything contained in this Act, all persons who, immediately before the date on which the provisions of Chapter III are brought into

Year	No.	Short title	Modifications
1	2	3	4
force in the Union territory of Pondicherry, were entitled to practise the profession of law (whether by way of pleading or acting or both) under any law in force in the said Union territory or who would have been so entitled had they not been in public service on the said date, shall for the purposes of clause (a) of sub-section (1) of section 17, be deemed to be persons who were entered as advocates on the roll of a High Court under the Indian Bar Councils Act, 1926, and every such person may, on an application made in this behalf within such time as may be specified by the Bar Council of Madras, be admitted as an advocate on the State roll maintained in respect of the said Union territory.			
1961	28	The Dowry Prohibition Act, 1961.	(2) Notwithstanding anything contained in this Act, every person who, immediately before the date on which the provisions of Chapter IV are brought into force in the Union territory of Pondicherry, was practising the profession of law (whether by way of pleading or acting or both or in any other way) by virtue of the provisions of any law in force in the said Union territory, who does not elect to be or is not qualified to be, enrolled as an advocate under sub-section (1), shall, notwithstanding the repeal of the relevant provisions of such law by the Pondicherry (Extension of Laws) Act, 1968, continue to enjoy the same rights as respects practice in any court or revenue office or before any authority or person and be subject to the disciplinary jurisdiction of the same authority which he enjoyed, or, as the case may be, to which he was subject, immediately before the said date and accordingly the relevant provisions of the law aforesaid shall have effect in relation to such persons as if they had not been repealed.”.
1961	45	The Foreign Awards (Recognition and Enforcement) Act, 1961.	

PART II

Year	No.	Short title	In force in a State or a Union territory	Modifications
1	2	3	4	5
1870	7	The Court-fees Act, 1870.	As in force in the Union territory of Andaman and Nicobar Islands on the 1st day of August, 1966.	In section 2, for clause (b), substitute :— (b) “State Government” in relation to the Union territory of Pondicherry means the administrator thereof.’.
1899	2	The Indian Stamp Act, 1899.	As in force in the State of Madras on the 1st day of August, 1966.	In section 2, after clause (25), insert :— (26) “State Government” in relation to the Union territory of Pondicherry means the administrator thereof.’. In section 3, omit the first and second provisos. In section 19A,— (a) for “ Presidency of Madras”, substitute “Union territory of Pondicherry”; (b) for “ Presidency ”, substitute “Union territory”. In section 57, in sub-section (1), omit “and” at the end of clause (d) and after clause (e) insert :— “(ee) if it arises in the Union territory of Pondicherry, to the High Court of Madras.”. In section 75A, for sub-section (2), substitute :— (2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session

Year	No.	Short title	In force in a State or a Union territory	Modifications
			4	5
1908	5	The Code of Civil Procedure, 1908.	As in force in the State of Madras on the 1st day of August, 1966.	<p>or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.</p> <p>In Schedule I—</p> <ul style="list-style-type: none"> (i) in entry 9, omit the Exemption; (ii) in entry 15, for “Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955)”, substitute “Court-fees Act, 1870 (7 of 1870)”; (iii) omit entry 20A; (iv) in entry 62, in clause (d), for “Administrator General’s Act, 1913 (Central Act III of 1913), section 25”, substitute “Administrators-General Act, 1963 (45 of 1963), section 22”. <p>After section 45, insert :—</p> <p>“45A. <i>Execution of decrees, etc., passed or made before the commencement of the Code in Pondicherry.</i>—Any judgment, decree or order passed or made before the commencement of this Code by any civil court in the Union territory of Pondicherry shall, for the purpose of execution, be deemed to have been passed or made under this Code :</p> <p>Provided that nothing contained in this section shall be construed as extending the period of limitation to which any proceeding in respect of such judgment, decree or order may be subject.”.</p>

THE CIVIL DEFENCE ACT, 1968

No. 27 of 1968

[24th May, 1968]

An Act to make provision for civil defence and for matters connected therewith.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Civil Defence Act, 1968

Short title,
extent
and com-
mence-
ment

(2) It extends to the whole of India.

Defin-
tions

(3) It shall come into force in a State or part thereof on such date, not being a date earlier than the date of the expiry of the Defence of India Act, 1962, as the Central Government may, by notification, appoint and different dates may be appointed for different States or different parts thereof.

51 of 1962.

2. In this Act, unless the context otherwise requires,—

(a) "civil defence" includes any measures, not amounting to actual combat, for affording protection to any person, property, place or thing in India or any part of the territory thereof against any hostile attack, whether from air, land, sea or other places, or, for depriving any such attack of the whole or part of its effect, whether such measures are taken before, during, at or after the time of such attack;

(b) "Civil Defence Corps" means the Corps formed wholly or mainly to meet the needs of civil defence and includes an organisation deemed to be a Corps under the proviso to sub-section (1) of section 4;

(c) "hostile attack" means any attack by any person or body of persons, whether during any war, external aggression, internal disturbance or otherwise which endangers the security of any life, property, place or thing in India or any part of the territory thereof;

(d) "notification" means a notification published in the Official Gazette;

(e) "personal service injury" has the meaning assigned to it in the Personal Injuries (Emergency Provisions) Act, 1962; ~~59 of 1962~~.

(f) "State Government", in relation to a Union territory, means the Administrator of the Union territory.

CHAPTER II

POWER OF CENTRAL GOVERNMENT TO MAKE RULES FOR CIVIL DEFENCE

Power to make rules for civil defence. 3. (1) The Central Government may, for securing civil defence, by notification, make rules providing for all or any of the following matters, namely:—

- (a) preventing the prosecution of any work likely to prejudice civil defence;
- (b) instruction of members of the public regarding civil defence and their equipment for the purposes of such defence;
- (c) provision, storage and maintenance of commodities and things required for civil defence;
- (d) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals in ports and territorial, tidal and inland waters;
- (e) control of lights and sounds;
- (f) protection of life and property by taking fire prevention and other measures;
- (g) securing of any buildings, premises or other structures from being readily recognisable in the event of a hostile attack;
- (h) for the prevention of danger to life or property, the demolition, destruction or rendering useless, of any building, premises or other structures or any other property;
- (i) prohibiting or regulating the possession, use or disposal of—
 - (i) explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunition;
 - (ii) vessels;
 - (iii) wireless telegraphic apparatus;
 - (iv) aircraft; and
 - (v) photographic and signalling apparatus and any means of recording information;
- (j) evacuation of areas and the removal of property or animals therefrom;

- (k) accommodation in any area of persons evacuated from another area and the regulation of the conduct of evacuated persons accommodated in such area;
- (l) billeting of evacuated person or persons authorised to perform functions under this Act;
- (m) salvage of damaged buildings, structures and property and disposal of the dead;
- (n) seizure and custody or destruction of injured, unclaimed or dangerous animals;
- (o) ensuring the safety of—
 - (i) ports, dockyards, lighthouses, lightships, aerodromes and facilities associated with aerial navigation;
 - (ii) railways, tramways, roads, bridges, canals and all other means of transport by land or water;
 - (iii) telegraphs, post offices, signalling apparatus and all other means of communication;
 - (iv) sources and systems of water supply, works for the supply of water, gas or electricity and all other works for public purposes;
 - (v) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939, and rolling stocks of railways and tramways;
 - (vi) warehouses and all other places used or intended to be used for storage purposes;
 - (vii) mines, oilfields, factories or industrial or commercial undertakings generally, or any mine, oilfield, factory or industrial or commercial undertaking in particular;
 - (viii) laboratories and institutions where scientific or technological research or training is conducted or imparted;
 - (ix) all works and structures being part of, or connected with, anything earlier mentioned in this clause; and
 - (x) any other place or thing used or intended to be used for the purposes of Government or a local authority or a semi-Government or autonomous organisation, the protection of which is considered necessary or expedient for securing civil defence;
- (p) control of any road or pathway, waterway, ferry or bridge, river, canal or other source of water supply;

(q) precautionary measures, which the Government or any department thereof or any local authority, members of police force, fire brigade and members of any other service or authority employed primarily for purposes other than civil defence purposes should be required to take within their respective jurisdictions or with respect to any personnel employed by them;

(r) preventing or controlling any use of uniforms, whether official or otherwise, or flags or official decorations like medals, badges or other insignia or anything similar thereto, the wearing of which is calculated to deceive or to prejudice civil defence;

(s) precautions to be taken or action to be taken by persons or authorities with a view to protecting or acquainting the general public or any members thereof against the dangers involved in any apprehended hostile attack;

(t) requiring the owner or occupier of any building, structure or premises to make or carry out such arrangements as may be necessary for the purposes of detection and prevention of fire;

(u) taking of specified measures for dealing with outbreaks of fire;

(v) directing that, subject to any specified exemption, no person present in any specified area shall, between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person;

(w) (i) prohibiting the printing and publication of any newspaper, news-sheet, book or other document containing matters prejudicial to civil defence;

(ii) demanding security from any press used for the purpose of printing or publishing, and forfeiting the copies of, any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (i);

(x) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and removal of persons from such areas;

(y) requiring any person or class of persons to comply with any scheme of civil defence;

(z) any other provision which may be necessary for the purposes of civil defence;

(2) Any rule made under sub-section (1) may provide that orders with regard to the matters specified therein may be made by the State Government.

(3) Any rule made under sub-section (1) may provide that a contravention thereof or any order made thereunder shall be punishable with fine which may extend to five hundred rupees, and where the contravention is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such contravention continues.

CHAPTER III

CIVIL DEFENCE CORPS

4. (1) The State Government may constitute, for any area Constituted within the State, a body of persons to be called the Civil Defence Corps (hereinafter referred to as the "Corps") and may appoint a person, not being, in its opinion, below the rank of a Magistrate (to be known as the "Controller") to command such Corps:

Provided that if there is in existence in any area in a State, immediately before the commencement of this Act in that area, an organisation which, in the opinion of the State Government, may be entrusted with the functions of the Corps, the State Government may, instead of constituting a separate Corps for such area, call upon that organisation to take over or discharge the functions of the Corps in that area, and thereupon such organisation shall be deemed, for the purposes of this Act, to be the Corps for that area.

(2) The State Government may, for the purpose of co-ordinating the activities of the Controllers within the State, appoint a Director of Civil Defence and every Controller shall comply with the directions given by such Director.

5. (1) The State Government may appoint as members of the Corps persons who are fit and willing to serve as such and the Controller may appoint any member so appointed to such office or command in the Corps, as such member is, in the opinion of the Controller, fit to hold.

(2) Every person appointed to be a member of the Corps shall be given a certificate of membership in such form as may be prescribed.

6. (1) Where any member of the Corps fails or has failed, in the opinion of the Controller, to discharge his duties as such member satisfactorily or is or has been found guilty of any misconduct in the discharge of his duties as such member, the Controller may, after an inquiry in which such member of the Corps has been given a reasonable opportunity of being heard in respect of the charges against him, by an order, dismiss such member from the Corps.

(2) Where the Controller is of opinion that the continued presence of any member of the Corps is undesirable, he may, without assigning any reason, summarily dismiss such member from the Corps.

Appeal.

7. A member of the Corps who is dismissed from the Corps under section 6 may prefer an appeal to the State Government within thirty days from the date of such dismissal and that Government may, on such appeal, confirm, modify or reverse the order made by the Controller or other authority.

Functions
of mem-
bers of
Civil De-
fence
Corps.

8. (1) The members of the Corps shall perform such functions in relation to the carrying out of measures for civil defence as may be assigned to them by rules made under this Act or by any other law for the time being in force.

(2) The State Government or the Controller may, by order, call out a member of the Corps for training or for discharging such functions in relation to the carrying out of measures for civil defence as may be specified in such order.

(3) Subject to such orders as the Central Government may make in this behalf, any member of the Corps of any State may at any time be required, by order, to discharge functions in relation to civil defence in any other State and shall while discharging such functions, be deemed to be a member of the Corps of that other State and be vested with the powers, functions and privileges and be subject to the liabilities of a member of the Corps in that other State.

Power to
make re-
gulations.

9. (1) The Central Government may, by notification, make regulations for carrying out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may—

(a) prescribe the functions of the members of the Corps and regulate the manner in which they may be called out for service;

(b) regulate the organisation, appointment, conditions of service, discipline, accoutrement and clothing of members of any or all of the Corps;

(c) prescribe the form of certificates of membership of any or all of the Corps.

CHAPTER IV

MISCELLANEOUS

10. The provisions of the Personal Injuries (Emergency Provisions) Act, 1962, and of every scheme made thereunder shall apply, so far as may be, to every personal service injury sustained by any person appointed to be a member of the Corps as they apply to personal service injury sustained by a civil defence volunteer, subject to the modifications that—

(a) any reference to a civil defence volunteer under that Act or any scheme made thereunder shall be construed as reference to a member of the Corps; and

(b) any reference therein to the period of emergency shall, in relation to a member of the Corps, be construed as the period during which this Act is in force.

11. (1) If any member of the Corps on being called out by an order under sub-section (2) of section 8 neglects or refuses without sufficient excuse to obey such order or to discharge his functions as such member or to obey any lawful order or direction given to him for the performance of his functions, he shall be punishable with fine which may extend to five hundred rupees, and where such neglect or refusal is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such contravention continues.

(2) If any person neglects or fails without any reasonable excuse to obey any order made or direction given to him under this Act or rules made thereunder, he shall be punishable with fine which may extend to five hundred rupees, and where such negligence or failure is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such negligence or failure continues.

12. (1) The provisions of this Act or any rules made thereunder or any order made under this Act or any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

(2) Every appointment, order or rule made in relation to civil defence before the commencement of this Act by or under any law relating to civil defence shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force until it is rescinded.

ed or altered under this Act, and be deemed to have been made under the corresponding provisions of this Act.

Explanation.--“Commencement of this Act”, in relation to any provision or area, means the commencement of that provision or, as the case may be, the commencement of this Act in that area.

Ordinary avocations of life to be interfered with as little as possible.

Savings as to orders.

Act not to apply to measures taken for the protection of the Armed Forces.

Limitation of prosecutions.

Power to delegate.

13. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and civil defence.

14. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Indian Evidence Act, ^{1 of 1872} 1872, presume that such order was so made by that authority.

15. Nothing contained in this Act or any rule, regulation or order made thereunder shall apply to the Armed Forces of the Union or to any measures taken by any of the authorities in control of the Armed Forces of the Union for the purpose of securing civil defence or safety of such forces or for the protection of any naval, military or air force installations or stores.

16. No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Controller or any person authorised by the Controller in this behalf.

17. The State Government may, by notification, direct that—

(a) all or any of the powers which may be exercised by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in that notification, be exercised also by such officer, not being, in the opinion of the State Government, inferior in rank to that of a District Magistrate as may be specified in the said notification;

(b) all or any of the powers which may be exercised by the Controller under this Act shall, in such circumstances and

under such conditions, if any, as may be specified in that notification, be exercised also by such officer, not being in the opinion of the State Government, inferior in rank to that of a Sub-Divisional Magistrate, as may be specified in the said notification.

18. (1) No suit, prosecution or other legal proceeding shall lie against the Government, the Director or the Controller or any person, authorised by the Government or the Controller, for anything which is in good faith done or intended to be done under this Act or any rules or orders made thereunder or any orders issued under any such rule.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Government, the Director or the Controller or any person, authorised by the Government or the Controller, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule made thereunder or any order issued under any such rule.

matters referred to in sub-clause (i);

19. Any person authorised by the Controller or the State Government under this Act and every member of the Corps, while functioning as such, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Authorised persons and members of the Corps to be public servants.

45 of 1860

20. Every rule and every regulation made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

V. N. BHATIA.
Secy. to the Govt. of India.

